

- (1) 50% OF THE UNDERPAYMENT OF FINANCIAL INSTITUTION FRANCHISE TAX;
- (2) 50% OF THE UNDERPAYMENT OF INCOME TAX; AND
- (3) 100% OF THE UNDERPAYMENT OF SALES AND USE TAX.

REVISOR'S NOTE: Item (1) and the reference to "financial institution franchise tax" in the introductory language of this section are added to state expressly that which only was implied by former Art. 81, §§ 128(h)(1) and 128A(f)(1), which made a financial institution failing to pay tax "subject to the ... penalties provided ... in the subtitle 'Income Tax'".

Items (2) and (3) of this section are new language derived without substantive change from the second sentence of former Art. 81, § 302(a), except the reference to perjury, and § 345(b), except the reference to interest.

In the introductory language of this section, the defined term "governmental unit" is added for clarity. See the revisor's note to § 13-101(b) of this title.

The Tax - General Article Review Committee notes, for consideration by the General Assembly, that it may wish to make this section generally applicable to the taxes under this article.

Defined terms: "Financial institution franchise tax" § 1-101  
 "Governmental unit" § 13-101  
 "Income tax" § 1-101 "Person" § 1-101  
 "Sales and use tax" § 1-101  
 "Tax collector" § 13-101

#### 13-704. FRAUDULENT FAILURE TO FILE RETURN.

IF, WITH THE INTENT TO EVADE THE PAYMENT OF TAX, A PERSON OR GOVERNMENTAL UNIT FAILS TO FILE AN ADMISSIONS AND AMUSEMENT TAX RETURN, A MOTOR FUEL TAX RETURN, OR A SALES AND USE TAX RETURN WHEN REQUIRED UNDER THIS ARTICLE, THE TAX COLLECTOR SHALL ASSESS A PENALTY OF 100% OF THE UNDERPAYMENT OF TAX.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 56, § 137(g) and former Art. 81, §§ 407(a)(2) and 344(b), except the references to interest.

The defined term "governmental unit" is added for clarity. See the revisor's note to § 13-101(b) of this title.